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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 27, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Bilyeu, Brackett, and Siddoway, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben DeMordaunt, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 26, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 112

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF ALZHEIMER'S DISEASE AND OTHER DEMENTIAS IN IDAHO BY ENDORSING THE IDAHO ALZHEIMER'S PLANNING GROUP AND SUPPORTING SAID PLANNING GROUP'S COMPREHENSIVE APPROACH TO THE DEVELOPMENT OF A STATEWIDE PLAN TO ADDRESS THE NEEDS OF PEOPLE WITH ALZHEIMER'S DISEASE AND OTHER DEMENTIAS, THEIR FAMILY MEMBERS AND CAREGIVERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, some 26,000 Idahoans are currently diagnosed with Alzheimer's disease, and the number is projected to increase significantly through 2025; and

WHEREAS, Idaho is projected to have the fifth highest increase in people suffering from Alzheimer's disease among all of the United States over the next several years; and

WHEREAS, Alzheimer's disease is the only major cause of death that has a mortality rate that continues to increase; and

WHEREAS, Idaho's mortality rate from Alzheimer's disease is consistently higher than the national average; and

WHEREAS, 41% of Idahoans living in nursing homes have moderate to severe dementia; and

WHEREAS, the Idaho Alzheimer's Planning Group is developing a plan to address the problem of Alzheimer's disease and other dementias throughout the state; and

WHEREAS, the Idaho State Plan for Alzheimer's disease and other dementias will help agencies, organizations and individuals develop specific programs and strategies to meet the needs of Alzheimer's patients, their families and caregivers at the state, regional and local levels.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho acknowledges the seriousness of the impact of Alzheimer's disease and other dementias upon the state by endorsing the Idaho Alzheimer's Planning Group's community awareness, data collection and resulting statewide plan development and implementation efforts to address the issue.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, support the Idaho Alzheimer's Planning Group's comprehensive approach toward educating the public about Alzheimer's disease and other dementias; collecting and analyzing statewide data related to current and future needs for Alzheimer's patients, families and caregivers; and recommending programs and strategies for addressing those needs.

[SCR 112](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 27, 2012

The JUDICIARY AND RULES Committee reports that [S 1263](#), [S 1264](#), [S 1265](#), and [S 1266](#) have been correctly printed.

DARRINGTON, Chairman

[S 1263](#), [S 1264](#), [S 1265](#), and [S 1266](#) were referred to the Judiciary and Rules Committee.

January 26, 2012

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Gerald "Jerry" Trebesch to the State Soil and Water Conservation Commission, term to expire July 1, 2016.

H. Norman Wright to the State Soil and Water Conservation Commission, term to expire July 1, 2012.

SIDDOWAY, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 26, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 356](#), [H 360](#), [H 361](#), and [H 362](#) with the recommendation that they do pass.

CORDER, Chairman

[H 356](#), [H 360](#), [H 361](#), and [H 362](#) were filed for second reading.

January 26, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

John Michael Brassey to the Idaho Personnel Commission, term to expire July 1, 2017.

Peter J. Black to the Idaho Personnel Commission, term to expire July 1, 2017.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 26, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1225](#), [S 1226](#), [S 1227](#), and [S 1228](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1225](#), [S 1226](#), [S 1227](#), and [S 1228](#) were filed for second reading.

January 26, 2012

The FINANCE Committee reports out [S 1257](#) and [S 1258](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1257](#) and [S 1258](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert "Bob" Graham of Bonners Ferry, ID has been reappointed to the Idaho Water Resource Board to serve a term commencing April 8, 2011 and expiring January 1, 2015. This appointment was made subject to confirmation by the Senate, and notice of appointment is hereby given.

Pursuant to Idaho Code 59-904 (e), certain appointments are void at the end of the legislative session if the Idaho Senate adjourns without granting its consent for the nominee. My letter dated January 20, 2012, inadvertently stated his term commenced January 1, 2011, which although it did, it was necessary to reappoint Mr. Graham after sine die since the Senate adjourned without considering his appointment.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles H. Correll of Jerome, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing January 16, 2012, and expiring June 30, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert H. Hansen of Menan, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing July 12, 2011, and expiring June 30, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wendy Lively of Ammon, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 7, 2012, and expiring January 7, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that J. Marshall Garrett of Boise, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 7, 2012, and expiring January 7, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that J. Kirk Sullivan of Boise, Idaho, was appointed as a member of the Public Employee Retirement System of Idaho Board to serve a term commencing July 1, 2011, and expiring July 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I want to clarify that my letter dated January 19, 2012 concerning the appointment of Alex Irby to the Outfitters and

Guides Licensing Board was sent in error. This position was not a gubernational appointment. The appointing authority, the Idaho Fish and Game Commission, previously sent a letter informing you of the appointment pursuant to Idaho Code.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 26, 2012

Dear Mr. President:

I transmit herewith [H 404](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 404](#) was filed for first reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1267

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO DIVISION OF VOCATIONAL REHABILITATION, AMENDING SECTION 2, CHAPTER 254, LAWS OF 2011, TO REVISE THE APPROPRIATION TO THE IDAHO DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1268

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO INSURANCE DEDUCTIBLES; AMENDING SECTION 41-2511, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PERMISSIVE DEDUCTIBLES FOR COMPREHENSIVE COVERAGE AND COLLISION OR PHYSICAL DAMAGE COVERAGE AS A CONDITION TO RENEWAL.

S 1269

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO PROVIDE THAT A CERTAIN DESIGNATION SHALL BE MADE ONLY WITHIN A CERTAIN PERIOD OF TIME AND TO MAKE A TECHNICAL CORRECTION.

S 1270

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO APPOINTMENTS BY THE LEGISLATURE TO CERTAIN BOARDS AND COMMITTEES; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 39-3029, IDAHO CODE, RELATING TO THE PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS

TRANSPORTATION MANAGEMENT; REPEALING SECTION 67-4247A, IDAHO CODE, RELATING TO THE GRANT EVALUATION COMMITTEE OF THE STATE TRUST FUND FOR OUTDOOR RECREATION ENHANCEMENT; REPEALING CHAPTER 85, TITLE 67, IDAHO CODE, RELATING TO THE IDAHO HALL OF FAME ADVISORY BOARD; AMENDING SECTION 49-1901, IDAHO CODE, TO REVISE THE NAME OF THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AND TO PROVIDE A CORRECT CITE REFERENCE; AND DECLARING AN EMERGENCY.

[S 1267](#), [S 1268](#), [S 1269](#), and [S 1270](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 404](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Winder, granted by unanimous consent, [S 1237](#) retained its place on the Third Reading Calendar for one legislative day.

[H 355](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS--None.

Absent and excused--Bilyeu, Brackett, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 355](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:15 a.m., Monday, January 30, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary